

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	:	CASE NO. 18-53572-pmb
	:	
KENNETH GREGORY COOK,	:	
	:	
Debtor.	:	
	:	CHAPTER 13
	:	

OBJECTION TO CONFIRMATION OF PLAN

COMES NOW The Southland Owners Association, Inc., a secured creditor in these proceedings, and objects to confirmation of Debtor's Plan on the following grounds:

1.

On March 2, 2018, Debtor filed the above-referenced case pursuant to Chapter 13 of the Bankruptcy Code.

2.

The Southland Owners Association, Inc. ("The Southland") holds a claim secured by a lien on for Debtor's property at 5771 Southland Walk, Stone Mountain, Georgia 30087. The Southland's claim for association assessments and associated charges is secured by a lien provided by Declaration of Covenants, Conditions and Restrictions for The Southland, as amended, recorded in the records of the Clerk, DeKalb County Superior Court and the Georgia Property Owners' Association Act. See O.C.G.A. § 44-3-232.

3.

Debtor's proposed Chapter 13 Plan [Document no. 18] does not properly provide for the curing of the pre-petition arrearage. On April 24, 2018, The Southland filed its secured Proof of Claim for \$4,682.46. Debtor proposes to pay The Southland \$2,800.00 with no interest. Also, owner has not paid a post-petition assessment of \$197.50 which was due April 1, 2018.

4.

At the time Debtor filed his case, he was in default in civil action file no. 17CV12498-3 pending in DeKalb County Superior Court. The Plan in this case, is not proposed in good faith. 11 U.S.C. §1325(a)(3).

5.

The Plan is not proposed in good faith. 11 U.S.C. §1325(a)(3). The Southland does not accept the proposed Plan and the Plan does not adequately provide for The Southland's lien. 11 U.S.C. §1325(a)(5).

6.

Debtor's proposed Plan does not comply with the provisions of Chapter 13 of the United States Bankruptcy Code. 11 U.S.C. §1325(a)(1).

WHEREFORE, The Southland prays that confirmation be denied and Debtor's case be dismissed.

This 7th day of May 2018.

Respectfully Submitted,

LAZEGA & JOHANSON LLC

s/Richard J. Joseph

Richard J. Joseph

Georgia Bar No. 405325

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Owners Association, Inc.

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CERTIFICATE OF SERVICE

I, Richard J. Joseph, certify that I am over the age of 18 and that on May 7, 2018 I served a copy of the foregoing **Objection to Confirmation of Plan** by first class U.S. Mail, with adequate postage prepaid on the following persons or entities at the addresses stated:

Kenneth Gregory Cook
5771 Southland Walk
Stone Mountain, GA 30087

Howard P. Slomka, Esq.
Slipakoff & Slomka, PC
Overlook III, Suite 1700
2859 Paces Ferry Road, S.E.
Atlanta, GA 30339

Melissa J. Davey, Esq.
Chapter 13 Trustee
260 Peachtree Street, N.W., Suite 200
Atlanta, GA 30303

This 7th day of May 2018.

s/Richard J. Joseph
Richard J. Joseph
Georgia Bar No. 405325

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